

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

KEVIN BROWN, individually and on behalf of  
all others similarly situated, *et al.*,

*Plaintiffs,*

v.

SAINT-GOBAIN PERFORMANCE  
PLASTICS CORPORATION, *et al.*,

*Defendants.*

Civil Action No. 1:16-cv-00242-JL

**DEFENDANTS' MOTION TO STAY AND MODIFY DEADLINES**

Defendants Saint-Gobain Performance Plastics Corporation and Gwenael Busnel respectfully move this Court to enter an order staying deadlines and proceedings in this action pending a final decision by the First Circuit on their Rule 23(f) appeal. Separate and apart from a stay pending a final decision by the First Circuit in the 23(f) proceedings, and mindful of the Court's request for a middle ground, Defendants also ask the Court to reset and modify the deadlines in its March 31, 2022 Discovery Order [381], including that issuance of class notice and the opt-out period, if any, precede motions for summary judgment.

1. In support of their motion, and pursuant to L.R. 7.1(a)(2), Defendants submit the accompanying memorandum of law and exhibit, filed together herewith.

2. Due to Plaintiffs' objection to a stay, and also the Court's instructions at the February 16, 2024 conference, undersigned counsel did not seek the assent of Plaintiffs' counsel for the relief requested herein.

3. Pursuant to L.R. 7.2(a), undersigned counsel states that Defendants' request would result in the need to modify deadlines under the March 31, 2022 Discovery Order [381]. Given

the nature of proposed relief, submission of a proposed schedule and Civil Form 3 is not warranted at this time.

WHEREFORE, Defendants respectfully request that the Court enter an order:

A. Staying further deadlines and proceedings in this action pending a final decision by the First Circuit in the Rule 23(f) appeal;

B. Resetting and modifying the deadlines in its March 31, 2022 Discovery Order [381], including postponing the filing of summary judgment motions until class notice has been issued and the opt-out period, if any, has expired; and

C. Granting such other and further relief that this Court shall deem just and proper.

Dated: February 23, 2024

Respectfully submitted,

/s/ Bruce W. Felmly

Bruce W. Felmly (N.H. Bar No. 787)  
Jeremy T. Walker (N.H. Bar. No. 12170)  
**MCLANE MIDDLETON, P.A.**  
900 Elm Street, P.O. Box 326  
Manchester, NH 03105-0326  
Telephone: (603) 625-6464  
Fax: (603) 625-5650  
bruce.felmly@mclane.com  
jeremy.walker@mclane.com

/s/ Mark S. Cheffo

Mark S. Cheffo (Pro Hac Vice)  
Douglas Fleming (Pro Hac Vice)  
Bert L. Wolff (Pro Hac Vice)  
**DECHERT LLP**  
1095 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 698-3500  
Fax: (212) 698-3599  
mark.cheffo@dechert.com  
douglas.fleming@dechert.com  
bert.wolff@dechert.com

*Attorneys for Defendants Saint-Gobain*

*Performance Plastics Corporation and  
Gwenael Busnel*

**CERTIFICATE OF SERVICE**

I hereby certify on this 23rd day of February, 2024, the foregoing Defendants' Motion to Stay and Modify Deadlines, together with the accompanying memorandum of law and exhibit thereto, were filed through the Electronic Case Filing System of the United States District Court for the District of New Hampshire and will be served electronically by the Court to the Registered Participants identified in the Notice of Electronic Filing.

Dated: February 23, 2024

/s/ Bruce W. Felmly

Bruce W. Felmly